

REMARKS

1. In response to the Office Action mailed February 16, 2006, Applicants respectfully request reconsideration. Claims 1-31 were originally presented for examination. Claims 1-4, 6-19 and 21-31 were rejected in the outstanding Office Action. Claims 5 and 20 were objected to. No Claims have been added. Claims 4 and 19 have been cancelled. Claims 1, 5, 7-12, 17, 18, 20, 22-24, and 27 have been amended. Thus, upon entry of this paper, claims 1-3, 5-18, and 20-31 will remain pending in this application. Of these twenty-nine (29) claims, three (3) claims (claims 1, 17 and 18) are independent. Based on the above Amendments and following Remarks, Applicants respectfully request that the outstanding objections and rejections be reconsidered, and that they be withdrawn.

Art of Record

2. Applicants acknowledge receipt of form PTO-892 identifying additional references made of record by the Examiner.

3. Applicants acknowledge receipt of the form PTO-1449 filed by Applicant on December 29, 2004, which has been initialed by the Examiner indicating consideration of the references cited therein.

Allowable Subject Matter

4. Applicants note with appreciation the Examiner's indication that claims 5 and 20 would be allowable if rewritten in independent form including all of the limitations of their respective base claim and any intervening claims.

Claim Objections

5. Dependent claims 11 and 27 have been objected to because of an informality. Applicants have amended claims 11 and 27 to overcome these objections. Applicants respectfully request that these objections be withdrawn.

Double Patenting Rejections

6. The Examiner has provisionally rejected claims 1-31 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-40 of copending Application No. 10/646,078 and claims 1-54 of copending Application No. 10/646,079.

7. Applicants have filed concurrently with this paper a terminal disclaimer disclaiming the terminal part of the statutory term of any patent granted on the captioned application, which would extend beyond the expiration date of the full statutory term of either of United States Application Nos. 10/646,078 and 10/646,079. Applicants respectfully assert that these rejections have been obviated by the filing of the terminal disclaimers.

8. Applicants have submitted the terminal disclaimers solely to advance the prosecution of the application, without conceding that the double patenting rejection is properly based. In filing the terminal disclaimers, Applicants rely upon the rulings of the Federal Circuit that the filing of such a terminal disclaimer does not act as an admission, acquiescence or estoppel on the merits of the obviousness issue. See, e.g., Quad Environmental Tech v. Union Sanitary Dist., 946 F.2d 870, 874-875 (Fed. Cir. 1991); Ortho Pharmaceutical Corp. v. Smith, 959 F.2d 936, 941-942 (Fed. Cir. 1992).

Claim Rejections under 35 U.S.C. §101

9. Independent claims 1 and 17 and dependents 2-16 have been rejected under 35 U.S.C. §101 because the language of the claims 1 and 17 allegedly raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible results to for the basis of statutory subject matter under 35 U.S.C. §101.

10. Applicants have amended independent claims 1 and 17 to recite “generating a clock signal for the first electronic device in accordance with the selected first clock frequency; and generating a clock signal for the second electronic device in accordance with the selected second clock frequency.” Applicants respectfully submit that the amendments to claims 1 and 17 satisfy the requirements of 35 U.S.C. §101. Accordingly, requests that the Examiner reconsider and withdraw the rejections of claims 1 and 17.

11. Applicants accordingly respectfully submit that dependent claims 2-16, which depend either directly or indirectly from independent claim 1 likewise satisfy the requirements of 35 U.S.C. §101 at least due to their dependence on independent claim 1.

Claim Rejections under 35 U.S.C. §102 and §103

12. Independent claims 1 and 17 and dependent claims 2-4, 6, 9-13 and 15-16 have been rejected under 35 U.S.C. §102(e) as being clearly anticipate by U.S. Patent No. 6,510,473 to Voit (hereinafter, “Voit”). Also, independent claim 18 and dependent claims 19, 21, 23-28 and 30-31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,073,244 to Iwazaki (hereinafter, “Iwazaki”) in view of Voit. Additionally, dependent claims 7 and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Voit and further in view of U.S. Patent No. 6,714,890 to Dai (hereinafter, “Dai”). Based on the above Amendments and following Remarks, Applicants respectfully request that these rejections be reconsidered, and that they be withdrawn.

13. Claim 1 has been amended to incorporate the limitation of dependent claim 4. Claim 4 has been canceled. In discussing amended claim 1, Applicants, accordingly, will address the Examiner’s rejection to claim 4.

14. Voit is directed to a clock circuit capable of automatically detecting the internal clock frequency of a peripheral component installed in a peripheral component interconnect (PCI) slot, and supplying the PCI slot with the clock signal of a specified frequency. (See, Voit at Abstract.) In rejecting claim 4, the Examiner alleged that Voit discloses “wherein the information about the first and second electronic devices comprises information about bandwidth characteristics of the first and second electronic devices.” In support, the Examiner relied on col. 5 lines 11-16 of Voit. (See, Office Action at 7.) This portion of Voit discloses selecting a 33MHz clock signal if the component installed in a PCI slot is capable of operating at a frequency of 33MHz and selecting a 66Hz clock signal if the component is capable of operating at 66MHz.

15. As such, the portion of Voit relied on by Examiner in rejecting claim 4 discloses selecting a clock frequency based on operating frequency information for the component and not based on bandwidth characteristics. The Examiner is kindly pointed to Applicant’s specification at page 11 lines 11-13 which discusses operating frequency information that

may include, for example, minimum, average, and maximum clock frequencies for a device.

16. As such, contrary to the Examiner's assertion, Voit discloses selecting a clock frequency based on operating frequency information for a component and not selecting a clock frequency based on bandwidth characteristics of a device. Accordingly, Voit fails to teach or suggest "selecting a first clock frequency for the first electronic device and a second clock frequency for the second electronic device, based at least on information about the first and second electronic devices ... wherein the information about the first and second electronic devices comprises information about bandwidth characteristics of the first and second electronic devices," as recited in amended independent claim 1. Applicants accordingly respectfully request that the Examiner reconsider and withdraw the rejection of claim 1.

17. Additionally, Applicants respectfully request that the Examiner reconsider and withdraw the rejection to claim 1 as anticipated by Voit for at least the following additional reason. In rejecting claim 1, the Examiner relied on the PCI adapters illustrated in FIG. 4 as disclosing a first and second electronic device. In FIG. 4 of Voit, all of the PCI slots 308 are provided with a common clock signal 124. Thus, although Voit discloses generating different clock signals, only a single one of these clock signals is selected and provided to all PCI slots.

18. Accordingly, Voit does not teach or suggest selecting both a first frequency and a second frequency and "generating a clock signal for the first electronic device in accordance with the selected first clock frequency; and generating a clock signal for the second electronic device in accordance with the selected second clock frequency," as recited by amended claim 1. Rather, Voit merely discloses selecting from one of two clock signals and providing this single selected clock frequency to all PCI slots. Applicants accordingly respectfully request that the Examiner reconsider and withdraw the rejection to claim 1 as anticipated by Voit for at least this additional reason.

19. Amended independent claim 17, recites, in part, "wherein the information about the first and second electronic devices comprises information about bandwidth characteristics of the first and second electronic devices; generating a clock signal for the first electronic device in accordance with the selected first clock frequency; and generating a clock signal

for the second electronic device in accordance with the selected second clock frequency.” As such, Applicants respectfully request that the Examiner reconsider and withdraw the rejection to independent claims 17 for at least similar reasons to those discussed above.

20. Independent claim 18 has been amended to incorporate the limitation of claim 19 (now canceled). Amended independent claim 18 recites, in part, “wherein the information about the first and second electronic devices comprises information about bandwidth characteristics of the first and second electronic devices.” In rejecting dependent claim 19, the Examiner relied on the same bases as the Examiner relied on in rejecting dependent claim 4 discussed above. As such, Applicants respectfully request that the Examiner reconsider and withdraw the rejection to claim 18 for at least similar reasons to those discussed above.

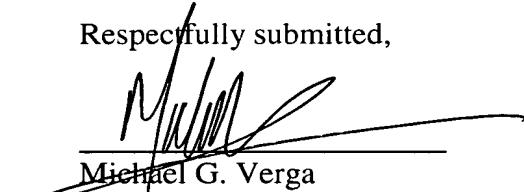
Dependent Claims

21. The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter which makes them a *fortiori* and independently patentable over the art of record. Accordingly, Applicant respectfully requests that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

Conclusion

22. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,



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